

LIQUOR ADVISORY BOARD
Tuesday, August 21, 2012
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members:

Alicia Neubauer
Dennis Olson
Dan Roszkowski
Julio Salgado
Scott Sanders
Craig Sockwell

Absent:

Aaron Magdziarz

Staff:

Jennifer Cacciapaglia – City Attorney
Todd Cagnoni – Deputy Director, Construction & Development Services
Matt Knott – Fire Department
Marcy Leach – Public Works
Sandra Hawthorne - Administrative Assistant

Others:

Alderman Nancy Johnson

Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Tuesday, September 4 , 2012, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the

top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 6:00 PM. A **MOTION** was made by Julio Salgado to **APPROVE** the minutes of the July meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0 with Aaron Magdziarz absent.

012-LAB-009

Applicant
Ward 5

519 Marchesano Drive

Pedro Silva – Guanajyato, Supermercado

The sale of packaged liquor in conjunction with a grocery store and the sale of liquor by the drink in conjunction with a restaurant in a C-3, Commercial General Zoning District.

Laid Over from April, May, June, and July meetings

The subject property is approximately 2.59 acres in size on the north side of Marchesano Drive and east of West State. This item has been laid over at each of the last four LAB meetings due to lack of sufficient information. Present were Attorney John M. Nelson, Pedro Silva Applicant, Gerardo Silva and Kerlin Fernandez. Attorney Nelson stated they recently submitted landscaping plans. He explained the title holders of the property have had a split in membership. He explained he had met with one side of the membership to discuss landscaping but nothing came to fruition. In the interim this person contacted the city to notify Staff there was no permission in the lease to sell alcohol and that they were opposed to the grocery store selling alcohol. Attorney Nelson stated he filed suit but this could result in a long period of time. The actual lease is also in question. Stated his clients are willing to put in landscaping and adjust signs as required.

Mr. Sanders stated he was not clear on what the Applicant was proposing to do to satisfy the requests of Staff on moving forward on this application. Attorney Nelson clarified that they have reduced the signage in the windows; signage on the building will be in compliance; the signage on the pole is not theirs and contains other signs for businesses at this location. He explained that since the landlord entity has split, there is a dispute as to who actually controls the area the grocery store is in.

Mr. Sanders stated that this item has been laid over for several months and the only update from Attorney Nelson or his clients has been a last minute, vague landscaping plan. He would like to see exact information proposed on what they intend to do with signage and that has not been submitted. Attorney Nelson stated he was of the understanding that the landlord was going to forward a landscaping plan to him and he would then forward this plan on to Staff. This has not occurred. He asked for another Lay Over.

Mr. Cagnoni wished to clarify to the Board that they can Lay Over the item another month but also that Staff is willing to move this application forward if the Board so chose. Regarding the building elevation, the Applicant's need to work with the property owner. Staff has identified areas where landscaping is needed. Staff feels this would allow the property to be highlighted and allow the applicant to take advantage of some of the existing trees. The discussion for the Board is whether they feel comfortable with another lay over or if they wish to move forward. Mr. Cagnoni explained that Staff is comfortable with either decision.

Mr. Sanders asked the Applicant what the difference was between the two landscaping plans submitted. Attorney Nelson replied that they were done by two different contractors and they were willing to do either one. Mr. Sockwell wished to Lay Over the application because they did not have enough information. Because the Board had asked for Objectors or Interested Parties at first discussion when this Application was presented previously, it was not required to again ask for public participation.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the sale of packaged liquor in conjunction with a grocery store and the sale of liquor by the drink in conjunction with a restaurant in the name of Pedro Silva d/b/a Guanajato, Supermercado in a C-3, Commercial General Zoning District at 519 Marchesano Drive. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

Mr. Roszkowski informed Attorney Nelson and the Applicants that he personally would not be willing to consider another Lay Over if inadequate information was provided at the next meeting.

012-LAB-024

Applicant
Ward 6

3909 11th Street

Brandon Barnes and Shanta Barnes d/b/a The Aviator Lounge
Sale of liquor by the drink in conjunction with a tavern in a C-3 , Commercial
General Zoning District
Laid Over from July meeting

The subject property is part of the Howard Johnson Motel and is the former Foxy's Lounge. This item was heard at the July LAB meeting and was laid over to allow the Applicants time to work with Staff and to provide further information. Brandon and Shanta Barnes, Applicants, were present. Mrs. Barnes stated they will have security on Friday and Saturday as required, which is 1 per 50 customers, and will have 1 security staff during the week. They do not have plans for special events at this time. Mr. Barnes stated they have submitted a seating and parking plan as well. Mr. Sockwell asked the Applicant to explain the word "event". Mr. Barnes stated an event would be something special that they would advertise more heavily such as liquor tastings. Anything that would draw in more than their normal customer crowd.

Attorney Cacciapaglia had no questions for the Applicant.

At the time Staff Report was prepared, Staff Recommendation was Denial based on the lack of information. Since the July meeting, the Applicants have provided further information to Staff and Staff is comfortable with supporting this request with 7 conditions. No Objectors or Interested Parties were present.

Mr. Cagnoni suggested a change to condition 5 to clarify specifically when they need to hire security. Mr. Barnes further explained that he is also State licensed and as the owner he will always be on the premises.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of liquor by the drink in conjunction with a tavern in the name of Brandon Barnes and Shanta Barnes d/b/a The Aviator Lounge in a C-3, Commercial General Zoning District at 3909 11th Street with a modifications to condition 5. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes.
3. That there shall be no cover charge.
4. Hours are limited to Monday – Saturday 12:00 p.m. to 2:00 a.m.; Sunday 2:00 p.m. to midnight.
5. That the premises operate in compliance with security as indicated in the security Addendum II.
6. That the property not function as a night club with a dance floor and/or stage area over 150 square feet.
7. Outdoor signage must comply with the Sign Regulations.

012-LAB-025

Applicant
Ward 13

308 West State Street

Chris L. Wachowiak d/b/a Kryptonite
Modification of existing liquor license to include sale of package liquor with a night club in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the Southwest corner of the West State Street and South Main Street intersection, inside of Stewart Square building. This property was granted a Special Use Permit for the sale of liquor and a nightclub in 2000. The use has been at this location since then without any modification. The Applicant is looking to expand the business to establish retail sales in an adjacent tenant space. Chris Wachowiak was present to discuss his application. He explained they would like to further expand their liquor sales to sell larger bottles of beer and wine for private collectors. This would be done on a limited hours basis with a possible expansion of time in the future when the downtown area becomes more lively. Kryptonite offers designated drivers 5 nights a week to take the customer and their vehicles home. All are Bassett qualified.

Attorney Cacciapaglia asked if bottled sales would be limited to Kryptonite or if they would like the ability to expand to the space next door in the future. The Applicant stated he should have a good feeling of whether he would expand within a few months. At this point they will be focusing on tastings once a month.

Staff Recommendation is for Approval with (4) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the Modification of existing liquor license to include sale of package liquor with a night club in the name of Chris L. Wachowiak d/b/a Kryptonite in a C-4, Urban Mixed-Use Zoning District at 308 West State Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes.
3. Inside window signage shall not exceed 35% of the window surface area.
4. The sale of package liquor shall be limited to the tenant space shown as Exhibit E as the interior floor plan or the existing Kryptonite nightclub.

012-LAB-026

Applicant
Ward 2

1603 North Alpine Road

Chirag K. Patel d/b/a Cork, Keg & Spirits
Modification of existing liquor license to allow sale of liquor by the drink with a package liquor store in a C-3, Commercial General Zoning District

The subject property is located on the NE corner of North Alpine Road and Highcrest, within the Edgebrook shopping center, and is 1 of 42 tenant spaces between Primary Eye Care and Furrier Boutique. The space is part of the former Walgreens. A liquor license was issued in May, 2012. The Applicant wishes to modify this license to include consumption of alcohol on the premises. Neel Patel and Chirag Patel were present. Neel Patel explained his request for wine sales by the glass. He stated the seating area would be for 8-10 people and will allow customers to purchase and consume wine on site. He verified this business will not operate as a bar and will not have a bartender.

Staff Recommendation was for Approval with (5) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Modification of existing liquor license to allow sale of liquor by the drink with a package liquor store in the name of Chirag K. Patel d/b/a Cork, Keg & Spirits in a C-3, Commercial General Zoning District at 1603 North Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes.
3. Signage must be in compliance with the Zoning Ordinance and may not cover more than 35% of the window surface for indoor signs.
4. Hours of operation should be limited to Monday through Thursday 10:00 a.m. to 9:00 p.m.; Friday through Saturday; 10:00 a.m. to 11:00 p.m. ; Sunday 10:00 a.m. to 9:00 p.m.
5. The sale of rose tubes, airplane-sized bottles and any other product which can be easily converted into a "crack pipe" is prohibited.

012-LAB-027

Applicant
Ward 8

3929 Broadway

Jose A. Chavez d/b/a Mexico Clasico Restaurant
Sale of liquor by the drink in conjunction with a restaurant in a C-2, Limited Commercial Zoning District

The subject property is located on the southwest corner of Remington Road and Broadway within Tiffany Square. This tenant space is currently vacant and was most recently occupied by Hacienda El Patron. Jose Chavez, Applicant, reviewed his request for sale of liquor. He stated he has worked in the restaurant business for about 18 years and he now has an opportunity to start his own restaurant. He presented an interior plan for Staff to review at a later date. He would like to extend the hours of operation to that of liquor license hours. He also asked about special events to allow him to rent out areas of the restaurant to the public and to have live music at these events. Mr. Cagnoni stated the application was for a restaurant but the distinction needs to be made that this business not turn into a nightclub situation or to operate until 2:00 a.m. because that is not typical for most restaurants. Attorney Cacciapaglia explained that the Applicant could get an "S" license for special events, up to 6 per year. Ms. Neubauer asked for clarification on the limitation on closing time. Mr. Cagnoni stated it is the intent to clarify the specific request at the time of this meeting and be consistent with all applicants on what the conditions of approval are and also how the business would operate. Attorney Cacciapaglia stated she is not comfortable with a request for hours of operation to go to 2:00 a.m. because there have been police problems in this area.

Staff Recommendation is for Approval with (12) conditions. No Objectors or Interested Parties were present.

Mr. Sanders asked for Staff's input on modification or elimination of condition 11 regarding live entertainment. He felt conditions of no cover charge and not operating as a nightclub would cover that concern. Staff was agreeable to removing this condition.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant in the name of Jose A. Chavez d/b/a Mexico Clasico Restaurant in a C-2, Limited Commercial Zoning District at 3929 Broadway with modifications to conditions 6 and 7 and the removal of condition 11. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all city of Rockford Liquor Codes.
3. Submittal of an interior floor plan drawn to scale for Staff's review and approval.
4. The sale of alcoholic beverages shall be in conjunction with a restaurant.
5. The sale of alcohol shall be limited to the interior of the restaurant that was submitted.
6. The hours and days of operation for the restaurant will be from 11:00 a.m. to Midnight Sunday through Thursday.
7. The hours and days of operation for the restaurant will be from 11:00 a.m. to Midnight Friday and Saturday.
8. The restaurant shall not have a cover charge.
9. The restaurant shall not have a dance floor.
10. The restaurant shall not have any DJs.
11. The restaurant shall not operate as a nightclub.

With no further business to come before the Board, the meeting was adjourned at 6:56 PM

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor Advisory Board